

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Michael S. Owl Feather-Gorbey,

Plaintiff,

v.

United States,

Defendant.

C/A No.: 0:20-1911-JFA

ORDER

Plaintiff Michael S. Owl Feather-Gorbey, a self-represented federal prisoner, brings this federal tort action. By order issued July 24, 2020, Plaintiff was provided an opportunity to submit the documents necessary to bring the case into proper form for evaluation and possible service of process. (ECF No. 13). Specifically, Plaintiff was advised that he is subject to the three-strikes bar under 28 U.S.C. § 1915(g) by Order of the United States District Court for the District of Columbia. *See* Case No. 1:15-mc-133 (D.D.C. Feb. 3, 2015) (Docket No. 4.); *Gorbey v. District of Columbia*, Case No. 7175 (D.C. Cir. June 8, 2011). Under the three-strikes bar, Plaintiff cannot proceed *in forma pauperis* unless he can show he is under imminent danger of serious physical injury. Otherwise, Plaintiff must pay the filing fee to proceed in this case.

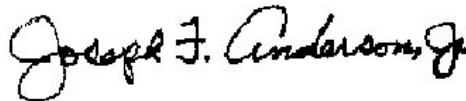
To date, Plaintiff has not paid the filing fee. But, Plaintiff asserts that he is in imminent physical danger because the defendants in this case—federal judges—deny his requests to proceed *in forma pauperis*, which he claims puts him in danger because he cannot raise legal claims about the imminent danger he faces in prison. The Court

disagrees. Plaintiff's assertion that the defendants in this case are threats to him is baseless, and regardless, the very nature of Plaintiff's argument shows that the defendants cannot be an *imminent* threat to Plaintiff. Moreover, to the extent Plaintiff claims that inmates in his prison are a threat to his life, he more directly raises that issue in his other lawsuit in this Court, Civil Action No. 0:20-1116.

Plaintiff has failed to prosecute this case and has failed to comply with an order of this Court. Therefore, the case is dismissed without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962). Consequently, Plaintiff's other pending motions are hereby denied as moot (ECF Nos. 2, 20).

IT IS SO ORDERED.

December 22, 2020
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.